

1 THE HONORABLE JOHN C. COUGHENOUR

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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 ROBERT ADAMS,

13 Defendant.  
14

CASE NO. CR14-0181-JCC

ORDER

15 This matter comes before the Court on Defendant's motion for sentence review (Dkt. No.  
16 117). Defendant is currently serving a 120 month sentence at USP Coleman II in Sumterville,  
17 Florida. He moves for sentence review under 18 U.S.C. section 3582. (Dkt. Nos. 117 at 2; 120 at  
18 4.) However, his filings are focused on his request for a transfer to FDC Seatac, either  
19 permanently or for the pendency of proceedings on the present motion. (Dkt. No. 117 at 3.)

20 Section 3582 provides for sentence reduction under certain limited circumstances. *See* 18  
21 U.S.C. § 3582(b),(c). None of these circumstances apply here, nor does Defendant raise any  
22 factual or legal argument that would support a sentence modification. Defendant was sentenced  
23 below the applicable guidelines range, and he makes no claim that this sentence was imposed in  
24 violation of the law or through incorrect application of the sentencing guidelines. *See* 18 U.S.C.  
25 §§ 3582(b)(2), 3724(a). While the Court is sympathetic to Defendant's stated desire to see his  
26 mother, this does not provide a basis for the Court to hold a hearing on an unsupported motion.

1 In the alternative, Defendant states he seeks “post-conviction review.” (Dkt. No. 120 at  
2 1–2.) Defendant states no cognizable claim for post-conviction relief. *See Preiser v. Rodriguez*,  
3 411 U.S. 475, 484–86 (1973) (explaining that a habeas petition must challenge the legality or  
4 duration of confinement). The Court will not construe Defendant’s unsupported request as a  
5 habeas petition. *Trinidad y Garcia v. Thomas*, 683 F.3d 952, 1009 (9th Cir. 2012) (ruling that a  
6 petitioner must allege a cognizable claim for the Court to entertain a habeas petition). If  
7 Defendant intends to challenge his confinement, he must file an independent petition stating the  
8 grounds for habeas relief.

9 Finally, the Court does not have jurisdiction to otherwise order a transfer to FDC Seatac.  
10 Only the Bureau of Prisons (“BOP”) has authority to designate where Mr. Adams serves his  
11 sentence. *Id.* at § 3621(b). In making this determination, the BOP may consider a statement made  
12 by the sentencing court, but only concerning either the purposes of the sentence to imprisonment  
13 or the appropriate type of facility. *Id.* at § 3621(b)(4). Neither are applicable to Defendant’s  
14 request for a transfer to be closer to his family.

15 For the reasons stated above, the Court DENIES Mr. Adam’s motion. (Dkt. No. 117).

16 DATED this 30th day of May 2018.

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20 John C. Coughenour  
21 UNITED STATES DISTRICT JUDGE  
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